

RCW 43.20.065 On-site sewage system failures and inspections—

- Rule making.** (1) Rules adopted by the state board under RCW 43.20.050(3) regarding failures of on-site sewage systems must:
- (a) Give first priority to allowing repair and second priority to allowing replacement of an existing conventional on-site sewage system, consisting of a septic tank and drainfield, with a similar conventional system;
 - (b) Not impose or allow the imposition of more stringent performance requirements of equivalent on-site sewage systems on private entities than public entities; and
 - (c) Allow a system to be repaired using the least expensive alternative that meets standards and is likely to provide comparable or better long-term sewage treatment and effluent dispersal outcomes.
- (2) Rules adopted by the state board under RCW 43.20.050(3) regarding inspections must:
- (a) Require any inspection of an on-site sewage system carried out by a certified professional inspector or public agency to be coordinated with the owner of the on-site sewage system prior to accessing the on-site sewage system;
 - (b) Require any inspection of an on-site sewage system carried out by a certified professional inspector or responsible public agency to be authorized by the owner of the on-site sewage system prior to accessing the on-site sewage system;
 - (c) Allow, in cases where an inspection has not been authorized by a property owner, the local health jurisdiction to follow the procedures established for an administrative search warrant in RCW 70A.105.030; and
 - (d) Forbid local health jurisdictions from requiring private property owners to grant inspection or maintenance easements for on-site sewage systems as a condition of permit issuance for on-site sewage systems that are located on a single property and service a single dwelling unit. [2021 c 65 § 38; 2019 c 21 § 2.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

Finding—Intent—2019 c 21: "The legislature finds that properly functioning on-site sewage systems are an important component of the state's wastewater treatment infrastructure. In order to ensure that on-site sewage systems remain a wastewater treatment option that is economically accessible to a wide sector of the state's population, it is the intent of the legislature to ensure that only requirements that are reasonable, appropriately tailored, and necessary are imposed on the installation, operation, maintenance, or repair of on-site sewage systems." [2019 c 21 § 1.]